

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

**REMARKS**

In response to the Office Action dated August 13, 2003, claims 1, 17, 23 and 28 have been amended. Claims 32-38 have been added. Therefore, claims 1-38 are now in the case. Reexamination and reconsideration of the amended application are requested.

**Specification**

The Applicant appreciates the Examiner pointing out that there are two claims with the same number. In addition, the Applicant acknowledges that the second misnumbered claim 27 has been renumbered as claim 31. Moreover, the Applicant has amended claim 28 to correct its dependency from claim 27 to claim 31.

**Allowable Subject Matter**

The Office Action stated that claims 7 and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, the Applicant has added new claim 34 that includes the subject matter of claim 7 and each of its intervening claims. Moreover, the Applicant has added new claim 36 that includes the subject matter of claim 13 and each of its intervening claims. Therefore, the Applicant respectfully submits that claims 34 and 36 are in immediate condition for allowance.

**Section 103(a) Rejections**

The Office Action rejected claims 1, 2, 4, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. (U.S. Patent No. 5,440,719) in view of Somasegar et al. (U.S. Patent No. 5,862,362).

The Office Action contended that Hanes et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing providing a driver capable of

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

accessing a stream of network packets. However, the Office Action stated that and Somasegar et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to claim 1 and the following legal and technical analysis. In general, the Applicant submits that the combination Hanes et al. and Somasegar et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, at least one material claimed feature and fail to appreciate the advantages of these claimed features. Thus, the Applicant submits that the combination of Hanes et al. and Somasegar et al. cannot make obvious the Applicant's claimed invention.

To make a *prima facie* showing of obviousness, all of the claimed features of an Applicant's claimed invention must be considered, especially when they are missing from the prior art. If a claimed feature is not disclosed in the prior art and has advantages not appreciated by the prior art, then no *prima facie* showing of obviousness has been made. The Federal Circuit Court has held that it was an error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Moreover, as stated in the MPEP, if a prior art reference does not disclose, suggest or provide any motivation for at least one claimed feature of an Applicant's claimed invention, then a *prima facie* case of obviousness has not been established (MPEP § 2142).

#### Amended Independent Claim 1

Amended independent claim 1 of the Applicant's invention includes a method of simulating connection characteristics of a network. The method includes providing a driver capable of accessing a stream of network packets, calculating a send time for each of the network packets, and attaching the respective send time to the corresponding packet. The method further includes sequencing the network packets in a queue until the respective send times to simulate a desired propagation connection

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

characteristic, and deleting the send time from each network packet when the packet is removed from the queue. The method also includes altering the stream of network packets to simulate an additional connection characteristic of the network.

Attaching the send time to the respective network packets typically is performed using a header. In particular, as discussed in the Applicant's specification and as shown in FIG. 8, the "send time is associated with the network packet (box 870)" (specification, page 20, lines 10-11. "Preferably, the send time is associated to the network packet in the form of a header" (specification, page 20, lines 12-13). The packet then is sequenced in the queue until the send time arrives. Once the send time arrives, the "connection information (including the timing information) associated with the packet is deleted from the packet (box 1040). Preferably, this means that the header containing this connection information is removed from the packet. The packet that has been altered by the modification module 532 is then sent to the transmission module 572 where the altered network packet is sent to a lower layer (box 1048) for transmission over the network" (specification, page 23, lines 10-17; FIGS. 5 and 10). Note that the timing information (including the send time) is removed from the packet prior to the packet being sent out over the network.

In contrast, the combination of Hanes et al. and Somasegar et al. merely discloses network packets that have time stamps added during their transmission on a network. In particular, the network traffic simulation system of Hanes et al. generates data packets that are "stamped with the time they are created by the source and with the time they are received by the packet destination" (col. 4, lines 63-65). ". . .[O]ther time stamps (e.g. arrival time) are inserted as the packet passes through various points in the system" (col. 5, lines 3-5). In other words, time stamps are inserted as a packet moves on the network. This is in contrast to the Applicant's claimed invention where the send time is deleted from a network packet when the packet is removed from the queue and sent out on the network.

Somasegar et al. add nothing to the combination of Hanes et al. and Somasegar et

Serial No.: 09/460,888

Attorney Docket No: MCS-117-99

al. that would make obvious the Applicant's claimed invention. In particular, Somasegar et al. merely disclose a network failure simulation tool that intercept packets being sent or received by a computer on a network by redirecting the packets. Nowhere do Somasegar et al. discuss the Applicant's claimed feature of deleting a send time from a network packet when the packet is removed from the queue. Thus, the combination of Hanes et al. and Somasegar et al. is missing this claimed feature of the Applicant's invention.

The combination of Hanes et al. and Somasegar et al. also fails to appreciate or recognize the advantages of the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue. More specifically, this claimed feature allows a packet have any extraneous information removed prior to being transmitted on the network so that the packet does not appear to a receiving computer that the packet has been processed. The combination of Hanes et al. and Somasegar et al. fail to discuss or appreciate these advantages of this claimed feature of the Applicant's invention.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hanes et al. and Somasegar et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of deleting the send time from each network packet when the packet is removed from the queue is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hanes et al. and Somasegar et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Serial No.: 09/460,888

Attorney Docket No: MCS-117-99

Accordingly, the Applicant respectfully submits that amended independent claim 1 is patentable under 35 U.S.C. § 103(a) over Hanes et al. in view of Somasegar et al. based on the amendments to claim 1 and the legal and technical arguments set forth above and below. Moreover, claims 2, 4, 15 and 16 depend from independent claim 1 and are also nonobvious over the combination of Hanes et al. and Somasegar et al. (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 1, 2, 4, 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al..

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The Office Action rejected claims 3, 5 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Borella et al. (U.S. Patent No. 6,442,141).

The Office Action contended that Hanes et al. and Somasegar et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing the feature of loss of a packet. However, the Office Action stated that Borella et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to claim 1 and the legal and technical analysis above and below. In general, the Applicant submits that the combination Hanes et al., Somasegar et al. and Borella et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue.

As argued above, the combination of Hanes et al. and Somasegar et al. merely discloses network packets wherein time stamps are added during their transmission on a network. Borella et al. add nothing to the combination of Hanes et al., Somasegar et al.

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

and Borella et al. that would make obvious the Applicant's claimed invention. In particular, Borella et al. merely disclose a network delay and loss simulation test system and method. However, Borella et al. do not discuss the Applicant's claimed feature of deleting a send time from a network packet when the packet is removed from the queue. Thus, the combination of Hanes et al., Somasegar et al. and Borella et al. is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hanes et al., Somasegar et al. and Borella et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of deleting the send time from each network packet when the packet is removed from the queue is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hanes et al., Somasegar et al. and Borella et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 1 is patentable under 35 U.S.C. § 103(a) over Hanes et al. in view of Somasegar et al. and further in view of Borella et al. based on the amendments to claim 1 and the legal and technical arguments set forth above and below. Moreover, claims 3, 5 and 8-12 depend from independent claim 1 and are also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 3, 5 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Borella et

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

al..

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The Office Action rejected claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Hashimoto et al. (U.S. Patent No. 6,119,168).

The Office Action contended that Hanes et al. and Somasegar et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing the feature of changing the network address of a packet. However, the Office Action stated that Hashimoto et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to claim 1 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Hanes et al., Somasegar et al. and Hashimoto et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue.

As argued above, the combination of Hanes et al. and Somasegar et al. merely discloses network packets that have time stamps added during their transmission on a network. Hashimoto et al. add nothing to the combination of Hanes et al., Somasegar et al. and Hashimoto et al. that would make obvious the Applicant's claimed invention. In particular, Hashimoto et al. merely disclose a system and method for converting or replacing a NASP address. However, Hashimoto et al. do not discuss the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue. Thus, the combination of Hanes et al., Somasegar et al. and Hashimoto et al. is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hanes et al., Somasegar et al. and Hashimoto et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of deleting the send time from each network packet when the packet is removed from the queue is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hanes et al., Somasegar et al. and Hashimoto et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 1 is patentable under 35 U.S.C. § 103(a) over Hanes et al. in view of Somasegar et al. and further in view of Hashimoto et al. based on the amendments to claim 1 and the legal and technical arguments set forth above and below. Moreover, claim 14 depends from independent claim 1 and is also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Hashimoto et al..

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The Office Action rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Borella et al. and a paper by K. Egevang and P. Francis entitled "The IP Network Address Translator (NAT)

Serial No.: 09/480,688

Attorney Docket No: MCS-117-99

(hereinafter "Egevang et al.").

The Office Action contended that Hanes et al., Somasegar et al. and Borella et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing the feature of network address translation. However, the Office Action stated that Egevang et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to claim 1 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Hanes et al., Somasegar et al., Borella et al. and Egevang et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue.

As argued above, the combination of Hanes et al., Somasegar et al. and Borella et al. merely discloses network packets that have time stamps added during their transmission on a network. Egevang et al. add nothing to the combination of Hanes et al., Somasegar et al., Borella et al. and Egevang et al. that would make obvious the Applicant's claimed invention. In particular, Egevang et al. merely disclose a router function that reuses addresses. However, Egevang et al. do not discuss the Applicant's claimed feature of deleting the send time from each network packet when the packet is removed from the queue. Thus, the combination of Hanes et al., Somasegar et al., Borella et al. and Egevang et al. is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hanes et al., Somasegar et al., Borella et al. and Egevang et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of deleting the send time from each network packet when the packet is removed

Serial No.: 09/480,688

Attorney Docket No: MCS-117-99

from the queue is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hanes et al., Somasegar et al., Borella et al. and Egevang et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 1 is patentable under 35 U.S.C. § 103(a) over Hanes et al. in view of Somasegar et al. and further in view of Borella et al. and Egevang et al. based on the amendments to claim 1 and the legal and technical arguments set forth above and below. Moreover, claim 6 depends from amended independent claim 1 and is also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Hanes et al. in view of Somasegar et al. and further in view of Borella et al. and Egevang et al..

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The Office Action rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al..

The Office Action contended that Hashimoto et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing providing a driver capable of accessing a stream of network packets. However, the Office Action stated that Somasegar et al. disclose this feature.

Serial No.: 09/480,888

Attorney Docket No: MCS-117-99

In response, the Applicant respectfully traverses these rejections based on the amendments to independent claim 17 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Hashimoto et al. and Somasegar et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, at least one material claimed feature and fail to appreciate the advantages of these claimed features. Thus, the Applicant submits that the combination of Hashimoto et al. and Somasegar et al. cannot make obvious the Applicant's claimed invention.

#### Amended Independent Claim 17

Amended independent claim 17 of the Applicant's invention includes a method of altering a network packet having an original network address. The method includes providing a driver capable of accessing a stream of network packets, and mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. The method further includes modifying an additional connection characteristic of the stream of network packets.

The simulated network address is used to make it appear as though a server is receiving requests from a wide range of network addresses (specification, page 16, lines 1-2). The simulated network address is part of new connection information (specification, page 16, lines 28-29). The "connection information (including simulated network address information) is randomly generated by the address module 540" (specification, page 17, lines 1-3).

In contrast, the combination of Hashimoto et al. and Somasegar et al. does not disclose the random generation of a simulated network address. Hashimoto et al. merely disclose converting or replacing a NASP address. However, no mention is made of random generation of the address.

Somasegar et al. add nothing to the combination of Hashimoto et al. and Somasegar et al. that would make obvious the Applicant's claimed invention. In particular,

Serial No.: 09/460,688

Attorney Docket No: MCS-117-89

Somasegar et al. merely disclose a network failure simulation tool that intercept packets being sent or received by a computer on a network by redirecting the packets. Nowhere do Somasegar et al. discuss the Applicant's claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. Thus, the combination of Hashimoto et al. and Somasegar et al. is missing this claimed feature of the Applicant's invention.

The combination of Hashimoto et al. and Somasegar et al. also fails to appreciate or recognize the advantages of the Applicant's claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. More specifically, this claimed feature makes "it appear as though the server is receiving requests from a wide range of network addresses" (specification, page 16, lines 1-2). Random generation of these address makes for a more realistic simulation. The combination of Hashimoto et al. and Somasegar et al. fails to discuss or appreciate these advantages of this claimed feature of the Applicant's invention.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hashimoto et al. and Somasegar et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hashimoto et al. and Somasegar et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Serial No.: 09/460,688

Attorney Docket No: MCS-117-09

Accordingly, the Applicant respectfully submits that amended independent claim 17 is patentable under 35 U.S.C. § 103(a) over Hashimoto et al. in view of Somasegar et al. based on the amendments to claim 17 and the legal and technical arguments set forth above and below. The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al..

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The Office Action rejected claims 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al. and further in view of Egbert (U.S. Patent No. 6,236,654).

The Office Action contended that Hashimoto et al. and Somasegar et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing two-way mapping tables and two-way hash tables and mapping transmit and receive packets to the values stored in these tables. However, the Office Action stated that Egbert discloses this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to independent claim 17 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Hashimoto et al., Somasegar et al. and Egbert is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the material claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. Thus, the Applicant submits that the combination of Hashimoto et al., Somasegar et al. and Egbert cannot make obvious the Applicant's claimed invention.

As argued above, the combination of Hashimoto et al. and Somasegar et al. fail to disclose a randomly-generated simulated network address. Egbert adds nothing to the

Serial No.: 09/460,688

Attorney Docket No: MCS-117-89

combination of Hashimoto et al., Somasegar et al. and Egbert that would make obvious the Applicant's claimed invention. In particular, Egbert merely discloses a network switch that switches data packets and uses an address table to generate frame-forwarding information. However, Egbert does not discuss the Applicant's claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. Thus, the combination of Hashimoto et al., Somasegar et al. and Egbert is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hashimoto et al., Somasegar et al. and Egbert lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hashimoto et al., Somasegar et al. and Egbert cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 17 is patentable under 35 U.S.C. § 103(a) over Hashimoto et al. in view of Somasegar et al. and further in view of Egbert based on the amendments to claim 17 and the legal and technical arguments set forth above and below. Moreover, claims 18-21 depend from independent claim 17 and are also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and

Serial No.: 09/480,888

Attorney Docket No: MCS-117-99

withdrawal of the rejection of claims 18-21 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al. and further in view of Egbert.

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The Office Action rejected claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al. and further in view of Borella et al..

The Office Action contended that Hashimoto et al. and Somasegar et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing the feature of packet loss. However, the Office Action stated that Borella et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to independent claim 17 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Hashimoto et al., Somasegar et al. and Borella et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the material claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet. Thus, the Applicant submits that the combination of Hashimoto et al., Somasegar et al. and Borella et al. cannot make obvious the Applicant's claimed invention.

As argued above, the combination of Hashimoto et al. and Somasegar et al. fails to disclose a randomly-generated simulated network address. Borella et al. add nothing to the combination of Hashimoto et al., Somasegar et al. and Borella et al. that would make obvious the Applicant's claimed invention. In particular, Borella et al. merely disclose a network delay and loss simulation test system and method. However, Borella et al. do not discuss the Applicant's claimed feature of mapping the original network address to a

Serial No.: 09/460,888

Attorney Docket No: MCS-117-98

randomly-generated simulated network address to create an address-modified network packet. Thus, the combination of Hashimoto et al., Somasegar et al. and Borella et al. is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Hashimoto et al., Somasegar et al. and Borella et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of mapping the original network address to a randomly-generated simulated network address to create an address-modified network packet is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Hashimoto et al., Somasegar et al. and Borella et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 17 is patentable under 35 U.S.C. § 103(a) over Hashimoto et al. in view of Somasegar et al. and further in view of Borella et al. based on the amendments to claim 17 and the legal and technical arguments set forth above and below. Moreover, claim 22 depends from amended independent claim 17 and is also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Hashimoto et al. in view of Somasegar et al. and further in view of Borella et al..

Serial No.: 09/460,688

Attorney Docket No: MCS-117-99

The Office Action rejected claims 23, 24 and 26-31 under 35 U.S.C. § 103(a) as being unpatentable over Borella et al. in view of Hashimoto et al..

The Office Action contended that Borella et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing a modification module capable of accessing a network packet or an addressing module that replaces an original network address of a network packet with a simulated network address. However, the Office Action stated that Hashimoto et al. disclose this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to independent claim 23 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Borella et al. and Hashimoto et al. is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, at least one material claimed feature and fail to appreciate the advantages of these claimed features. Thus, the Applicant submits that the combination of Borella et al. and Hashimoto et al. cannot make obvious the Applicant's claimed invention.

#### Amended Independent Claim 23

Amended independent claim 23 of the Applicant's invention includes a network simulation system including a modification module capable of accessing a network packet. The modification module includes an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. The modification module also includes a propagation module that alters a propagation connection characteristic of the network packet.

In contrast, the combination of Borella et al. and Hashimoto et al. does not disclose an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. Borella et al. merely disclose a

Serial No.: 09/460,668

Attorney Docket No: MCS-117-99

network delay and loss simulation test system and method. However, no mention is made of an addressing module having random generation of the network address.

Hashimoto et al. add nothing to the combination of Borella et al. and Hashimoto et al. that would make obvious the Applicant's claimed invention. In particular, Hashimoto et al. merely disclose a system and method for converting or replacing a NASP address. Nowhere do Hashimoto et al. discuss the Applicant's claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. Thus, the combination of Borella et al. and Hashimoto et al. is missing this claimed feature of the Applicant's invention.

The combination of Borella et al. and Hashimoto et al. also fails to appreciate or recognize the advantages of the Applicant's claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. More specifically, this claimed feature makes "it appear as though the server is receiving requests from a wide range of network addresses" (specification, page 16, lines 1-2). Random generation of these address makes for a more realistic simulation. The combination of Borella et al. and Hashimoto et al. fails to discuss or appreciate these advantages of this claimed feature of the Applicant's invention.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Borella et al. and Hashimoto et al. lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Borella et al. and Hashimoto et al. cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to

Serial No.: 09/460,888

Attorney Docket No: MCS-117-99

the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 23 is patentable under 35 U.S.C. § 103(a) over Borella et al. in view of Hashimoto et al. based on the amendments to claim 23 and the legal and technical arguments set forth above and below. Moreover, claims 24 and 26-31 depend from amended independent claim 23 and are also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claims 23, 24 and 26-31 under 35 U.S.C. § 103(a) as being unpatentable over Borella et al. in view of Hashimoto et al..

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The Office Action rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Borella et al. in view of Hashimoto et al. and further in view of Egbert.

The Office Action contended that Borella et al. and Hashimoto et al. teach all the elements of the Applicant's claimed invention, except for expressly disclosing the feature of a two-way mapping table. However, the Office Action stated that Egbert discloses this feature.

In response, the Applicant respectfully traverses these rejections based on the amendments to independent claim 23 and the legal and technical analysis above and below. In general, the Applicant submits that the combination of Borella et al., Hashimoto et al. and Egbert is lacking at least one element of the Applicant's claimed invention. In particular, the combination does not disclose, either explicitly or implicitly, the material claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. Thus, the Applicant submits that the combination of Borella et al., Hashimoto et al. and Egbert

Serial No.: 09/460,688

Attorney Docket No: MCS-117-89

cannot make obvious the Applicant's claimed invention.

As argued above, the combination of Borella et al. and Hashimoto et al. fail to disclose an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. Egbert adds nothing to the combination of Borella et al. and Hashimoto et al. that would make obvious the Applicant's claimed invention. In particular, Egbert merely discloses a network switch that switches data packets and uses an address table to generate frame-forwarding information. However, Egbert does not discuss the Applicant's claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address. Thus, the combination of Borella et al., Hashimoto et al., and Egbert is missing this claimed feature of the Applicant's invention. Moreover, this combination fails to appreciate the advantages of this claimed feature discussed above.

The Applicant, therefore, submits that obviousness cannot be established since the combination of Borella et al., Hashimoto et al. and Egbert lacks a material claimed feature of the Applicant's invention. Namely, the claimed feature of an addressing module that replaces an original network address of a network packet with a randomly-generated simulated network address is not taught by this combination. In addition to explicitly lacking this feature, the combination also fails to implicitly disclose this feature. In particular, the combination lacks any suggestion and fails to provide any motivation for the Applicant's claimed feature. Further, the combination fails to appreciate advantages of this claimed feature. Therefore, as set forth in *In re Fine* and MPEP § 2142, the combination of Borella et al., Hashimoto et al. and Egbert cannot render the Applicant's claimed invention obvious. Consequently, because a *prima facie* case of obviousness cannot be established due to the lack of "some teaching, suggestion, or incentive", the rejection must be withdrawn. MPEP 2143.01; ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984).

Accordingly, the Applicant respectfully submits that amended independent claim 23

Serial No.: 09/480,688

Attorney Docket No: MCS-117-99

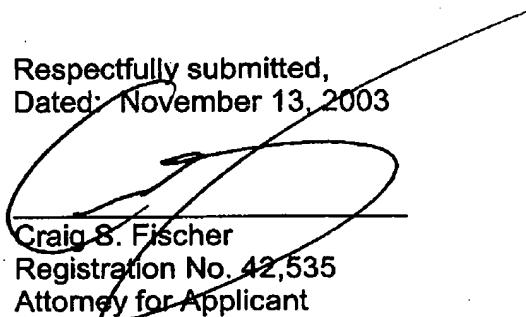
is patentable under 35 U.S.C. § 103(a) over Borella et al. in view of Hashimoto et al. and further in view of Egbert based on the amendments to claim 23 and the legal and technical arguments set forth above and below. Moreover, claim 25 depends from amended independent claim 23 and is also nonobvious over the combination (MPEP § 2143.03). The Applicant, therefore, respectfully requests reexamination, reconsideration and withdrawal of the rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Borella et al. in view of Hashimoto et al. and further in view of Egbert.

Conclusion

In view of the arguments and amendments set forth above, the Applicant submits that claims 1-31 of the subject application are in immediate condition for allowance. Moreover, new claims 32-38 are also patentable over the prior art and are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,  
Dated: November 13, 2003

  
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